

From the Upper Chamber



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Report for Thursday, February 2, 2006

The twelfth day of the 2006 legislative session was called to order by Lieutenant Governor **Mark Taylor**.

Senator **Don Balfour** of the 9th stated that the journal had been read and was found to be correct.

Senate Bills 498-505; Senate Resolutions 786, 789 and 790; and House Bills 101, 718, 941, 989, 1020, 1122, 1124, 1132 and 1136 were read for the first time and assigned to their respective Committees.

Following the report of Standing Committees and the second reading of Senate Bills and Resolutions, the morning roll call was taken.

Lt. Gov. **Taylor** then recognized Sen. **Renee Unterman** of the 45th to lead the Senate in the Pledge of Allegiance. Sen. **Unterman** introduced the *Chaplain of the Day*, Reverend **Andrew Henderson** of Grace Baptist Church in Dacula, who led the Senate in the daily devotional.

Sen. **Valencia Seay** of the 34th took the well on a Point of Personal Privilege to recognize today as Go Red for Women Day 2006.

Sen. **John Douglas** of the 17th took the well on a Point of Personal Privilege to recognize members of his family present in the Senate gallery today.

Sen. **Seth Harp** of the 29th took the rostrum to introduce the *Doctor of the Day*, Dr. **Mike Hagues** of Fortson.

The Secretary read SR 743, which recognizes Community Health Centers Day. Senators **Ross Tolleson** of the 20th and **Michael Meyer von Bremen** of the 12th took the rostrum to recognize representatives of the Community Health Association for their hard work.

The Secretary read SR 763, which commends Governor **Sonny Perdue** for authorizing the purchase of \$5 million in State of Israel bonds. The resolution also urges the State of Georgia's support of Israel in light of the recent Palestinian election results.

Sens. **Judson Hill** of the 32nd and **David Adelman** of the 42nd took the rostrum to welcome the Israeli Consul General **Shmuel Ben-Shmuel**, other representatives of the Israeli Consulate and members of the Atlanta Jewish community to the Senate.

The Secretary read SR 787, which commends **Paula Deen** for her achievements in the cooking and food industry. President Pro Tempore **Eric Johnson** of the 1st and Sen. **Regina Thomas** of the 2nd took the rostrum to commend **Deen** for her success as an author and TV personality, and for representing the State of Georgia in the entertainment world.

The Secretary read SR 651, which recognizes the Clayton County Ecumenical Services. Sen. **Seay** took the rostrum to commend **Gail Davenport** of the Clayton County Ecumenical Services.

The Secretary read SR 681, which recognizes the Arnold-Fountain Professional Club. Sen. **Seay** took the rostrum to introduce Club President **Eddie J. White** and Vice-President Dr. **Gloria Duncan**.

The Secretary read SR 650, which commends **Joseph H. Beasley** for his contributions to the Atlanta/Fulton County community. Sen. **Seay** took the rostrum to introduce Mr. **Beasley** to the Senate.

SR 788, 791 and 792 were read and adopted.

Majority Leader **Tommie Williams** of the 19th moved to engross SR 655 and SB 440.

Minority Leader **Robert Brown** of the 26th objected to the motion.

Sen. **Williams** took the well to speak to his motions to engross SR 655 and SB 440.

Sen. **Harp** took the well to encourage Senators to support both pieces of legislation, and to speak in support of the motion to engross. He yielded to questions from Sens. **Horacena Tate** of the 38th and **Emanuel Jones** of the 10th.

Sen. **Steve Thompson** of the 33rd took the well to speak against the motion to engross.

Minority Leader **Brown** also took the well to speak against the motion to engross. He yielded to questions from Sen. **Thompson** of the 33rd.

The motion to engross SR 655 passed by a vote of 32-23.

Lt. Gov. **Taylor** paused to recognize former state senator **Hugh Gillis**, who was present on the Senate floor.

Majority Leader **Williams** took the well to speak in favor of his motion to engross SB 440. He yielded to questions from Sen. **Tate**.

Sens. **Meyer von Bremen**, **Thompson** of the 33rd and **Adelman** took the well to speak against the motion to engross, and to address the way Senate Committee meetings are currently being conducted.

The motion to engross SB 440 passed by a vote of 30-22.

Sen. **Don Thomas** of the 54th took the well to present SB 435, which changes the provisions of the appointments of County Directors of Family/Children Services.

SB 435 passed by a vote of 52-0.

The Secretary read SR 655, known as the *HOPE Chest* amendment. The resolution would provide for a constitutional amendment that would limit the expenditure of all lottery funds to the HOPE scholarship program and the State's Pre-K program. After all HOPE and Pre-K commitments are met, any surplus funds would go into the education shortfall reserves.

Sen. **Joseph Carter** of the 13th took the well to present the resolution, as well as data on the history of lottery expenditures.

Lt. Gov. **Taylor** asked the Senate to pause to recognize Mother **Mary Hughes**, who spoke to the Senate about the importance of giving to the less fortunate.

Sen. **Carter** yielded to questions from Sens. **Brown**, **Brian Kemp** of the 46th, **Thompson** of the 33rd, **Jack Hill** of the 4th and **Bill Stephens** of the 27th.

Sen. **Thompson** of the 33rd took the well to speak to SR 655, and the history of the state lottery and the HOPE Scholarship. He yielded to questions from Sens. **Harp** and **Jones**.

Sen. **Regina Thomas** of the 2nd took the well to speak to the resolution and to the changes to the HOPE scholarship program made by the legislature over recent years.

Sen. **Curt Thompson** of the 5th took the well to comment about the Senate Higher Education Committee meeting in which SR 655 passed through. He yielded to questions from Sen. **Kemp**.

Sen. **Steen Miles** of the 43rd took to the well to speak against SR 655.

Sen. **Harp** again took the well to speak in favor of the resolution. He yielded to questions from Sen. **Thompson** of the 33rd.

Sen. **Jones** took the well to speak against SR 655, stating that it will have a negative impact on HOPE scholars.

Sen. **Tim Golden** of the 8th took the well to speak to SR 655, saying that the motion to engross limits the Senate's ability to perfect legislation.

Sen. **Brown** took the well to speak against SR 655 and the proposed constitutional amendment.

Sen. **Carter** again took the well to conclude his presentation of SR 655. He urged the support of his fellow Senators.

SR 655, the HOPE Chest amendment, was lost by a vote of 35-20. The resolution failed to achieve the required two-thirds majority.

Majority Leader **Williams** served notice to reconsider SR 655.

Lt. Gov. **Taylor** stated that SR 655 would be reconsidered at the beginning of tomorrow's Senate session.

The Secretary read SB 440, which would eliminate the Construction Reserve Trust Fund and eliminate certain ways in which lottery funds are spent.

Sen. **Bill Hamrick** of the 30th took the well to present the bill, which is a housekeeping bill that accompanies SR 655. He yielded to questions from Sen. **Steve Henson** of the 41st.

Sen. **Thompson** of the 33rd took the well to speak against the passage of SB 440, stating that the bill would conflict with constitutional law because of the failure of SR 655.

Sen. **Thomas** of the 2nd took the well to speak against SB 440, stating her opinion that the bill does not benefit higher education.

Sen. **Casey Cagle** of the 49th moved the previous question. There was objection.

Sen. **Cagle's** motion was approved by a vote of 24-15.

SB 440 passed by a vote of 45 to 9.

President Pro Tempore **Johnson** took the gavel to preside over the Senate.

The Secretary read the Substitute to SB 408, which provides for the preservation of certain evidence of the nationals of foreign states who are not permanent U.S. residents.

Sen. **Judson Hill** of the 32nd took the well to present the bill, which reinstates a previous Georgia law that has expired.

The Committee Substitute to SB 408 was adopted by a vote of 35-0.

SB 408 passed by Substitute by a vote of 49-0.

The Secretary read SB 398, which will revise the procedures of psychiatric evaluations when they involve a plea of insanity in criminal proceedings.

Sen. **Harp** took the well to speak to the legislation, stating that the Department of Family and Child Services fully supports the bill.

SB 398 passed by a vote of 47-1.

The Secretary then read SB 394, which prohibits a person from using the Internet or e-mail to induce another to provide personal information by falsely representing a business.

SB 394 passed by a vote of 47-0.

President Pro Tem **Johnson** declared the previous vote null and void, because it had yet to be announced.

Sen. **Cecil Staton** of the 18th took the well to present SB 394, and he asked for favorable support from the Senate. He yielded to questions from Sens. **Thompson** of the 33rd and **Meyer von Bremen**.

SB 394 passed by a vote of 50-0.

The Secretary read SB 241, which changes provisions in Georgia law concerning the legal effect of electronic records and signatures and notarized documents.

Sen. **David Shafer** of the 48th took the well to present SB 241. He yielded to questions from Sen. **Henson**.

SB 241 passed by a vote of 50-0.

The Secretary then read SB 202, which requires additional grant certification requirements to certain units of local government.

Sen. **John Wiles** of the 37th took the well to present the bill, urging the Senate for its support.

SB 202 passed by a vote of 50-0.

Following the announcements, Majority Leader **Williams** moved the Senate stand adjourned until Friday, February 3, at 9:00 a.m.

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